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HOUSE BILL 474

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JAMES ROGER MADALENA

AN ACT

RELATING TO GEOLOGY; DEFINING THE SCIENCE AND PRACTICE;  
PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the  
"Geology Practice Act".

Section 2. PURPOSES. -- The purposes of the Geology Practice  
Act are to safeguard the life, health, property and public  
welfare of the people of this state and to protect them against  
the unauthorized, unqualified and improper practice of geology.

Section 3. DEFINITIONS. -- As used in the Geology Practice  
Act:

A. "geology" means the science that is:

(1) the study of the earth and its origin and  
history in general;

Underscored material = new  
[bracketed material] = delete

1 (2) the investigation, including collection of  
2 specimens, of the earth's constituent rocks, minerals, soils,  
3 fossils, solids, fluids including surface and underground  
4 waters, gases and other minerals from the center of its core to  
5 its surface; and

6 (3) the application and use of this knowledge  
7 of the earth for the benefit of mankind;

8 B. "geologist" means a person who is engaged in the  
9 practice of geology; and

10 C. "professional geologist" is a person who:

11 (1) is a graduate of an institution of higher  
12 education which is accredited by a regional or national  
13 accreditation agency, with a minimum of thirty semester or  
14 forty-five quarter hours of undergraduate or graduate work in a  
15 field of geology and who has a specific post-baccalaureate  
16 record of five years of geological experience that includes no  
17 more than two years of graduate work;

18 (2) has a specific record of twelve years of  
19 geological experience, at least three of which were under the  
20 supervision of a professional geologist; or

21 (3) is licensed or certified as a professional  
22 geologist by another state or by a nationally recognized  
23 nonprofit geological organization having certified members in  
24 more than ten states, provided the requirements for the  
25 licensure or certification meet or exceed the requirements of

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1 paragraphs (1) or (2) of this subsection.

2 Section 4. REPORTS CONTAINING GEOLOGIC INFORMATION. -- Any  
3 report required by law or by rule or regulation and prepared as  
4 a result of or based on a geologic study or on geologic data, or  
5 that contains information relating to geology and that is to be  
6 presented to or is prepared for any state agency, political  
7 subdivision or recognized state or local board or commission,  
8 shall be prepared or approved by a professional geologist.

9 Section 5. PENALTY. -- It is unlawful for any person who is  
10 not a professional geologist to prepare a report for any state  
11 agency, political subdivision or recognized state or local board  
12 or commission as provided in Section 4 of the Geology Practice  
13 Act. Persons guilty of violating the provisions of this section  
14 shall be punished by a fine of not less than five hundred  
15 dollars (\$500) nor more than five thousand dollars (\$5,000) for  
16 each violation.

17 Section 6. APPLICATION. -- The provisions of the Geology  
18 Practice Act do not apply to persons whose practice of geology  
19 is confined to areas of geologic expertise regulated by the  
20 Engineering and Surveying Practice Act or to persons involved in  
21 an extractive industry such as petroleum, natural gases, coal,  
22 metallic or nonmetallic ores and sand and gravel.